

to be due and in arrear, when the contract is for a certain money rent; or a statement specifying the quantity or proportion of produce agreed upon between the landlord and tenant as the rent of the premises, when the distress is for grain or produce, together with an affidavit thereon in substance as required in the preceding section.

10. In all cases where land shall be rented in consideration of a render of a portion of the crops raised upon the same, or for a specific amount of grain or other produce, and the tenant shall fail to render such grain or produce according to the terms of the contract, the landlord may levy a distress for the same.

11. Where the distress is for grain or produce, the bailiff or person authorized to levy said distress, shall summon and cause to be sworn, two disinterested persons, whose duty it shall be, under the said oath, to estimate the money value of the specific amount or quantity of grain, or other produce or proportion of the crops agreed upon as rent, and thereupon the bailiff or person aforesaid, shall proceed to levy the said distress as in ordinary cases of money rent, and taking such estimated value to be such money rent.

12. The tenant whose goods are distrained under the last preceding section, shall have his election at any time before the goods, chattels, and property distrained shall be sold under such distress, to deliver the rent of grain or other produce, or proportion of crops, to the landlord, or to pay him the estimated value, together in both cases, with the expenses of said distress; whereupon all proceedings in the said distress shall cease. But nothing herein contained shall debar said tenant from any action of replevin for the goods and chattels and property distrained as aforesaid, wherein it shall be lawful for the tenant to contest the fairness of such valuation; and the said action shall in all respects be proceeded with, and the same verdict shall be rendered as in cases of replevin of goods and chattels for money rent, the jury assuming the estimated value, or what in their judgment the estimated value should have been, to be such money rent.

13. No sheriff, constable or bailiff, in cases of distress for rent, shall summon more than two appraisers of property distrained; and the compensation of the appraisers shall be thirty cents each, to be recovered and paid as other costs in such cases.